

REMARKS

Claims 1-9 and 12 are pending in the application. Claims 7 and 8 are allowed. Claims 9- 11 are canceled. Claims 1 and 12 are amended. Claims 1-8 and 12 remain for consideration.

Claim Rejections – 35 USC §103(a)

The Examiner rejects claims 1-6 and 9 as being unpatentable over Chien (U.S. Patent No. 5,871,271) and further in view of Romano (U.S. Patent No. 3,963,917). The Examiner states that:

Claims 1-6,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien (5,871,271) and further in view of Romano (3,963,917). Chien discloses the claimed invention except for the recitation of the translucent windows comprising protrusions. Chien discloses a protective shell defining an inside surface and an outside surface (1,33) an outer shell in communication with said outside surface of said protective shell (33); a plurality of lamps adapted to emit light through said outer shell;(fig 2) a power supply in electrical communication with said plurality of lamps to provide power for the operation of said plurality of lamps (10); a motion detecting switch in communication with said lamps such that upon movement of said motion detecting switch(41), electrical power is supplied to least one lamp of said plurality of lamps for a predetermined period of time and wherein said outer shell is provided with a plurality of translucent windows through which said lamps emit light (18,20). Romano discloses a light source on a helmet with a transparent bulb like protrusion made of a shatter resistant material to protect the bulb harsh exterior elements. It would have been an obvious to one having ordinary skill in the art at the time the

invention was made to use a protective protrusion for the light sources of Chien since the examiner takes Official Notice of the equivalence of a transparent protrusion and the transparent optical device member encasing a light source for their use in the illumination art and the selection of any of these known equivalents to protect a light source when used in a helmet application to prevent damage to the light source would be within the level of ordinary skill in the art.

- Chien discloses a flasher module having a plurality of programs (col. 7 lines 1-27);
- The power supply comprises a battery;
- The plurality of lamps are LEDs (Chien);
- A first program turns on all the lamps for a predetermined period of time.
- With regards to the second program initiating the light sources to flash in a random manner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement such a program in the device of Chien since Chien provides for a multitude of controlling means for initiating a sequence of flashing of the light device and flashing the lighting devices randomly would be purposeful for an aesthetically pleasing effect of the helmet;
- The plurality of lamps are beneath an outside surface of the protective shell.

Applicant asserts that one skilled in the art would not find the invention as claimed in amended claim 1 to be obvious over Chien in view of Romano since the teachings of Chien and Romano are incompatible regarding the function and placement of the plurality of lamps. Specifically, Chien teaches,

an LED illumination arrangement fitted into recesses in the protective layer ... [and] ... including an optical member which serves to optically increase the viewing angle and at the same time deflect or distribute the force of impacts away from the LED and thereby decrease possible of LED penetration through the helmet and into the head of the wearer. (Col. 2, lines 41-49).

In contrast, Romano teaches a rotating light source container in a bubble-like protrusion at the apex of the helmet. No efforts appear to be made to prevent light 14 from impacting the head of the wearer, other than constructing the transport protrusion "of a shatter-resistant material such as plastic...".

Further, Applicant disagrees with the Examiner regarding the Examiner's Official Notice of the equivalence of a transparent protrusion and the transport optical device member encasing a light source for their use in the illumination art and the selection of any of these known equivalents to protect a light source when used in a helmet application to prevent damage to the light source as being in the ordinary skill in the art.

Chien teaches a helmet for decreasing the possibility of LED penetration into the head of a wearer, but does not teach or suggest protrusions that enhance visibility. Romano teaches a protrusion for housing a lamp and other mechanisms, but is apparently not concerned with head injury resulting from lamp and mechanism head penetration, primarily because Chien shows a substantial amount of hardware protruding above the periphery of the protective shell.

Applicant's invention, as claimed in amended claim 1, requires a plurality of translucent protrusions through which the lamps emit light and also requires that each of the plurality of lamps are beneath the outside surface of the protective shell. Consequently,

amended claim 1 is not obvious over Chien in view of Romano because the claimed device accomplishes both goals minimizing a chance of the lamps being forced into contact with a wearer's head and increasing visibility.

Allowance of amended claim 1 is requested.

Allowable Subject Matter

The Examiner objects to claim 12 as being dependent upon a rejected base claim, but states the claim "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims".

Claim 12 have been rewritten in independent form to include all of the limitations of base claim 1 from which it depends.

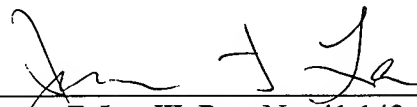
Considering the foregoing, it is sincerely believed that this case is in condition for allowance, which is respectfully requested.

This paper is intended to constitute a complete response to the outstanding Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

Respectfully submitted,

Date:

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